

MEMORANDUM
OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF PLACER

TO: Honorable Board of Supervisors

FROM: Ann Holman, Clerk of the Board of Supervisors

DATE: September 9, 2008

SUBJECT: Amend Contract #12553 with Allen Haim, LLC, in a maximum amount not to exceed \$110,000, for legal representation to the Assessment Appeals Board.

ACTION REQUESTED

Amend Contract #12553 with Allen Haim, LLC, in a maximum amount not to exceed \$110,000, for legal representation to the Assessment Appeals Board.

BACKGROUND

The Assessment Appeals Board consisting of five appointees approved by your Board, was established August 17, 1993, by Ordinance 4529-B. The Assessment Appeals Board is charged with rendering decisions on appeals filed by Placer County taxpayers of the value assessed on their property.

Legal Counsel to the Assessment Appeals Board advises and provides legal consultation to the board. Counsel also appears at all meetings and hearings of the board, and meets with Board Clerk and Board Administrative Officer on an ongoing basis regarding regular business of the Board.

As your Board is aware, the current economy and the resultant effects on housing, construction and financing markets have drastically affected property valuation. In many cases, property values have been reduced and many more property owners are being noticed of potential reductions and consequently filing appeals. Accordingly, the administrative requirements, necessary legal assistance and addressing the numbers of property tax appeals for the Assessment Appeals board have all increased.

FISCAL IMPACT

In order to align with County's fiscal year, the contract term beginning March 1, 2008 will end on June 30, 2009. Future contracts will be on a 12 month basis, from July 1st to June 30th. The total contract amount is not to exceed \$110,000. Of this amount, \$22,000 was funded in the FY 2007-08 budget for work performed from March 1, 2008 through June 30 2008. The remaining \$88,000 is fully funded in the FY 2008-09 Final Budget.

PROFESSIONAL SERVICES OF:

Allen A. Haim, Esp.
Attorney at Law SB 40627
57 W. Crescent Drive
San Rafael, CA 94901-5722
Phone/Fax: (415) 453-8431
E-mail: abhaim@comcast.net

**RE: Amendment No. 2 to Contract NO. 12553,
Representation of Assessment Appeals Board**

THIS SECOND AMENDMENT to Contract Number 125553, is made and entered into this ____ day of _____, 2008, by and between the County of Placer, hereinafter referred to as "County", and Allen A. Haim, an individual, hereinafter referred to as "Attorney".

WHEREAS, by contract number 12553, dated March 1, 2008 ("Contract"), County retained Attorney to provide legal services and advice to the Assessment Appeals Board for Placer County, and;

WHEREAS, by Amendment Number 1, dated June 8, 2008, County amended Section 4 of the Contract to increase the payment amount from \$20,000 to \$35,000 for actual services, reasonable costs and expenses, herein referred to as "contract amount", and also corrected a minor typographical error within Section 4, and;

WHEREAS, the Parties mutually agree that there is a further need to adjust the contract amount and due to the anticipated need of the Assessment Appeals Board for additional legal services, and;

WHEREAS, the Parties also mutually agree that there is a need to adjust the term of the contract such that it will correspond to the fiscal year, and;

WHEREAS, aside from the changes to the Contract set forth below, all other provisions in the Contract, including prior amendments thereto, shall remain unchanged and in full force and effect;

NOW, THEREFORE, it is hereby agreed by the parties that Section 4 of the Contract shall be amended by increasing the maximum contract amount from \$35,000 to \$110,000, as follows:

4. AMOUNT OF PAYMENT.

County shall pay Attorney for his actual services and reasonable costs and expenses incurred up to a maximum of **\$110,000 (One Hundred Ten Thousand Dollars and No Cents)** ~~\$35,000 (Thirty-five Thousand Dollars and No Cents)~~. County shall compensate

Attorney at the rate of One Hundred and Seventy-five Dollars (\$175.00) per hour. Attorney shall bill in a maximum of 1/4 of an hour increments. Attorney shall keep proper records to enable County to verify the services rendered. Attorney shall bill County on a monthly basis if services are performed during the month, and invoices shall describe the work performed. Attorney shall monitor his billings and shall not perform work in excess of the maximum amount set forth herein and in the event Attorney anticipates that the board will require services that will exceed the amount of payment provided hereunder, Attorney shall notify the Board Administrative Officer and this Agreement may be amended as necessary upon mutual consent.

NOW, THEREFORE, it is hereby further agreed by the Parties that Section 9 of the Contract shall be amended to extend the end of the initial contract term from March 1 to July 30, and have each successive term continue for a 12-month period, as follows:

9. TERM.

The term of this agreement shall cover a ~~twelve (12)~~ **sixteen (16)** month period beginning March 1, 2008, and **ending June 30, 2009, and** thereafter shall ~~continue from~~ **automatically be renewed for twelve (12) month terms beginning on July 1 of each** year ~~to year~~, unless otherwise ended pursuant to paragraph 8, above.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 2 the day and year first above written.

PLACER COUNTY

ATTORNEY

By: _____
Jim Holmes
Chairman, Board of Supervisors

By: _____
Allen A. Haim, Esq.
SBN 40627

EXECUTIVE DIRECTOR,
ASSESSMENT APPEALS BOARD

APPROVED AS TO FORM

By: _____
Mike Boyle

By: _____
Anthony J. La Bouff
County Counsel

229

